

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC - NY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/3/20

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TYLER TOMCZAK,

Plaintiff,

- against -

ROBERT B. LADD, et al.,

Defendants.
-----X

: 19 Civ. 08046 (VM)

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:
: CONDITIONAL
: ORDER OF DISCONTINUANCE
: WITHOUT PREJUDICE

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated February 28, 2019, a copy of which is attached, that the parties have reached an agreement in principle to resolve this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendants shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten

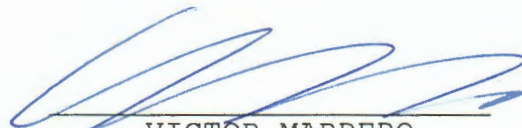
days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court scheduled are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to terminate any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
03 March 2020



VICTOR MARRERO
U.S.D.J.

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February 28, 2020

VIA FAX 212-805-6382

The Honorable Victor Marrero
United States Courthouse
500 Pearl Street, Suite 1040
New York, NY 10007

Re: *Tomczak v. Ladd et al.*,
Civil Action No.: 1:19-cv-08046-VM

Dear Judge Marrero:

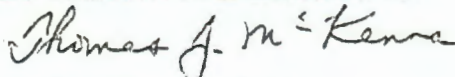
This firm represents Tyler Tomczak, plaintiff in the above-captioned shareholder derivative action.

I write, copying counsel for defendants Robert B. Ladd, H. Robert Holmes and Michael Onghai, defendants, and MGT Capital Investments, Inc., nominal defendant, to inform the Court that a settlement in principle has been reached in the action.

We and counsel for defendants and the nominal defendant jointly request that the current proceedings and litigation deadlines in the action be suspended while the parties prepare the necessary settlement papers.

Respectfully submitted,

GAINEY McKENNA & EGGLESTON



Thomas J. McKenna

TJM/r

cc: Sean Coffey, Esq., Karen S. Kennedy, Esq.
(Counsel for Defendants via email)